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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second periodic reports of States parties

ARGENTINA*

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* For the initial report submitted by the Government of Argentina, see CEDAW/C/5/Add.39 and CEDAW/C/5/Add.39/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.112 and CEDAW/C/SR.118, and Official Records of the General Assembly, forty-third session Supplement No. 38 (A/43/38), paras. 341-396. This document has not been edited.

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Introduction

1. The present report was prepared on the basis of material from many surveys and publications on the status of women in various spheres of national life. Special consideration was given, among others, to the publications of ILPES (Latin American and Caribbean Institute for Social and Economic Planning), INDEC (Department for Standardization and Integration), the National Department of Employment of the Ministry of Labour, the Association of Women Lawyers, FOCAI (Training and Research Forum for Women in Trade Unions), the Fredrich Ebert Foundation, the INAP Women and the State Programme, the Coordinating Council for Public Policies on Women, and the Women's Affairs Section of the Unit for Rural Development Projects in the Under-secretariat for Agriculture, Livestock and Fisheries, etc.

PART ONE

NATIONAL CONTEXT

1. BASIC DATA

Population

2. The population of the Argentine Republic in 1990 totalled 32,321,887, 16,319,890 of which were women.

Population since 1950

Census	Total population	Women	
1950	17 150 336	8 323 381	(48.53%)
1960	20 616 009	10 146 109	(49.21%)
1970	23 962 313	11 943 475	(49.84%)
1980	28 371 149	14 191 678	(50.25%)
1991	32 321 887	16 319 890	(50.49%)

Source: INDEC - Population Census.

Female population trends by age group

Age in years	1960	1970	1980	1990*
0-14	30.5	28.6	29.6	30.3
15-24	16.3	17.1	16.1	15.5
25-54	39.9	38.0	36.8	35.5
55-64	7.4	8.6	8.3	8.5
65-74	4.1	5.1	5.9	6.3
75 and over	1.8	2.6	3.3	3.9

Source: INDEC - Population Census.

* INDEC - Population Projection 1970-2025.

3. The overall mortality rate for 1990 was 7.9 per mille and the birth rate 21.6 per mille.

4. The mean annual rate of growth was 14.7 per mille.

5. The Argentine Republic is located in the southern part of South America. It is a very long, asymmetrical country running from north to south, with a variety of ecosystems. Its continental area covers some 2.7 million square kilometres.

6. The mean population density for Argentine territory is 11.9 inhabitants per km^2. However, the distribution of the population is as asymmetrical as its water, soil and biological resources. Approximately 86 per cent of the total population is urban and resides in centres of more than 2,000 inhabitants. There are 193 urban centres and 42 towns of more than 50,000 inhabitants. The Federal Capital and Province of Buenos Aires contain some 50 per cent of the total population of the country. The next in size are provinces such as Córdoba, Santa Fe, Tucumán and Mendoza. The remainder of the population is scattered across a vast territory and concentrated in oases in the arid zones.

7. Under article 2 of the National Constitution, the Government supports the Roman Catholic Apostolic Church. Although the Constitution guarantees freedom of religion, most of the population is Catholic.

Social and economic situation

8. The crisis from which the country has been suffering for 15 years is not only reflected in its enormous external debt but also in the huge social debt which must be redeemed.

9. In 1970 Argentina was the Latin American country least affected by poverty. The portion of the population living in poverty and indigence was under a sixth of the average for the region (9 per cent against 59 per cent). Data from the Economic Commission for Latin America and the Caribbean (ECLAC) indicate that it rose to 17 per cent (against 54 per cent) by 1986.

10. The process that began in 1976, with the military Governments, the restructuring of the production model and the consequent adjustment plans applied, gave rise to negative results reflected mainly in a production crisis, particularly in industry, manufactured goods production and construction.

11. In 1990, the gross domestic product (GDP) was a mere 1 per cent higher, in constant values, than the 1976 figure, indicating a reduction in per capita production. The rate of gross investment fell from 21.3 per cent of GDP in 1970-1974 to 7.3 per cent in 1990. External indebtedness rose from 8,085 million dollars in 1975 to 62,031 million dollars in 1990.

12. The active portion of the workforce dropped from about 44 per cent in 1970 to 39 per cent in 1990. Real wages fell by 30 per cent between 1970 and 1988.

Composition of the workforce by sex (per cent)

Year	Total	Men	Women
1960	100	78	22
1970	100	75	25
1980	100	73	27
1990	100	71	29

Source: INDEC - Population projection 1970-2025.

13. The proportion of women in the workforce has increased steadily since the 1960s. In the mid-1970s the trend intensified and showed qualitative changes.

14. The incorporation of women in the labour market has differed in content from period to period. In the 1960s, it was based on the desire for economic and social advancement and it related mainly to the middle classes. Since the 1970s crisis and during the 1980s, women have been going out to work because of the loss in income and the drop in the real wages of the family members traditionally in paid employment and in order to offset the effects of unemployment. The main suppliers of female labour are the working class and low-income sectors. The jobs done tend to be unskilled or under-valued: domestic work and informal activities.

15. It is also important to bear in mind the growth in the number of women heads of households in recent years. National statistics are not available, but if we consider Greater Buenos Aires (the largest urban conglomeration in the country with some 37 per cent of the total population), in 1980 17.5 per cent of heads of households recorded were women. By 1989 the percentage had risen to 20.8 per cent. In Córdoba, another major urban and economic centre, the figures show a growth from 21.9 per cent in 1980 to 24.5 per cent in 1989 (Permanent Housing Survey). These figures are typical, with minor variations, of the growth trend throughout the country.

16. As the report by INDEC's Standardization Department concludes, it can be stated that in general terms female labour is marked by the following overall features:

- Women are engaged in the lowest-paid work (horizontal segregation).
- Within each type of work, they occupy the lower positions in the hierarchy and earn the lowest salaries (vertical segregation).
- Their work is remunerated with lower pay than equal work carried out by men.
- A high level of involvement in the informal sector.

New forms of women's work

17. In recent years there has been a significant increase in this country, as in other countries in the area, in the so-called informal sector of the economy. In the Latin American and Caribbean region, according to REPLAC (ILO Regional Employment Programme for Latin America and the Caribbean) estimates, this sector rose during the 1980s from 25 per cent to 31 per cent. Even so, it is estimated that these high figures do not cover the whole of the sector, which seems to be underestimated. It could be as much as 40 per cent.

18. The definition of the informal sector includes the term "vulnerability". The informal sector is where workers do not enjoy the same rights to employment and related legal protection.

19. The increase in unemployment and the lower purchasing power of salaries have encouraged the growing participation of women in the sector, reckoned to be around 60 per cent.

20. Informal work has become one of the main survival strategies in household budgets. In the first place, it grows out of the difficulty women have in obtaining work in the formal sector, due to lack of training or the need to apportion their time when they are heads of household and are responsible for the family unit. Secondly, it is because women have to help in making up for low incomes in response to the recession of recent years.

21. Women's work is mainly in tertiary areas of the economy: domestic service, itinerant labour, small traders, catering as cooks and waitresses, and in other non-specialized activities. Their paid employment is generally related to jobs learned in the context of unpaid domestic work.

22. Another significant form is work at home, complementing the output of firms which use this form of recruitment to escape social responsibilities. It is difficult to measure and generally remains an invisible form of employment.

23. All this shows that women in the working classes suffer from a growing deterioration in their conditions of employment, not only in terms of their wages, but also the insecurity inherent in their employment status: "black" labour, hiring through middlemen, lack of nurseries, sexual harassment, and piecework are some of the features.

Political, legal and administrative regime

24. Under the National Constitution, Argentina has a republican and federal form of government. The system is representative because "the people deliberate and govern only through their representatives and authorities", also established under the Constitution.

25. Another feature of the system of government is the division of power between three branches, delimited and combined, which exercise executive, legislative and judicial powers by virtue of the mandate of the people and as agents of the people. The Republic is further defined by the equality of all citizens before the law.

26. The provinces of Argentina, united and constituting a general government with specific attributes, set out in the supreme law of the nation, form a Federal State. They do not constitute a simple federalization resulting from agreements and treaties uniting entities which are independent and free of permanent legal bonds. On the contrary, the Federal State is created by the will of a sovereign nation. The provinces thus retain the powers inherent in a full capacity to govern, subject only to the limitations expressly set out in the National Constitution, which is the necessary consequence of the delegation of certain powers to the Federal Government.

27. The Argentine Republic currently has 24 provinces and the Federal Capital.

28. Each province, however, lays down its own constitution under the representative and republican system, in accordance with the laws, declarations and guarantees of the National Constitution, in order to provide for its administration of justice and municipal administration.

29. The National Constitution, and hence the equivalent higher laws of each province, recognize and guarantee political rights, rights of assembly and petition, equality before the law, freedom of belief and religion, of expression, of association, the right to teach and learn, to work, to carry on any licit enterprise, and the right to property and to trade.

30. The National Executive is represented by a citizen with the title President of the Argentine Nation: the President may appoint and replace a body of minister-secretaries responsible for the various portfolios into which the affairs of the nation are organized. They, in turn, authenticate and execute the acts of the President. The President holds office for six years and cannot be re-elected.

31. The executive authorities of the Federal Government have their seat in the City of Buenos Aires, which is thus the Capital of the Federation. The political powers of the nation govern from the capital. The Head of the Executive appoints a Municipal Governor who administers the city jointly with a deliberative council composed of representatives directly elected by the citizens.

32. The legislative power is organized on a two-chamber basis: a Chamber of National Deputies and a Chamber of Senators from the provinces and the capital. The two-chamber system allows the two basic elements of the country, the people and the states, to participate in its government. The Chamber of Deputies is composed of representatives directly elected by the people of the provinces and the capital by simple majority of votes.

33. The Senate is composed of representatives of each of the states, elected by collegiate bodies which exercise legislative power in the provinces. All these bodies are the result of direct election by the people and almost all consist of a Chamber of Deputies and a Senate.

34. The basis on which the Constitution establishes the authority of the Federal Judiciary, and which ensures its independence from other government departments, is the permanent tenure of the judges. Judges of the Supreme Court and the lower courts of the country retain their posts

for as long as they are of good conduct. The same principles apply to the judiciaries of the provinces and the capital. Political legal proceedings guarantee the responsibility of the judicial officials. The President of the Nation appoints magistrates, with the approval of the Senate.

35. Judicial power is exercised by a Supreme Court of Justice, by Federal Courts of Appeal and by area judges in the capital and each of the provinces.

36. This high court is, primarily, responsible for respect for the principles and mandates of the Constitution and guides the development and exercise of other powers. The Chambers act as courts of appeal in all cases where the decisions of area judges are disputed and decide on questions of competence between them. The courts of first instance decide all matters governed by the Constitution, laws passed by Congress and treaties with other nations.

37. The same procedure is followed throughout the provinces.

2. LEGAL AND ADMINISTRATIVE MEASURES ADOPTED TO IMPLEMENT THE CONVENTION IN ARGENTINA

38. The restoration of the rule of law in December 1983, and the rule of democracy in Argentina have ushered in a new era in which women have made significant progress towards obtaining their full rights.

39. Various international conventions concerning women's rights have been ratified by law. In particular, the Convention on the Elimination of All Forms of Discrimination against Women (Law 23.179) marks a fundamental step which is linked with new legislative activity mainly concerned with Family Law.

40. This legal recognition has to a large extent been the result of demands by a vast movement of women as members of political parties and many non-governmental organizations engaged in various activities. These range from study, analysis and in-depth research into women's problems to women's organizations among the working people set up to tackle day-to-day problems or devise various survival strategies.

41. However, it should be borne in mind that there is still a long way to go. It is necessary to eliminate many obstacles to discrimination which persist in the complex web of political, social, economic and cultural relationships on which our society is based.

(a) Progress in the rights and protection of women

42. Year

1853 Article 16 of the National Constitution establishes the equality of all inhabitants of the country.

1871 The Civil Code stipulates the legal incapacity of married women.

1884 Law 1420 on general education establishes free and compulsory schooling for all inhabitants of the country.

1886 Law 1920 which introduced the Criminal Code. Article 118 provides that a woman who commits adultery will be punished by a prison term of one month to one year. For a man, the offence arose only when he had a mistress inside or outside the conjugal home.

1907 Law 5291. Protection for working women, in many ways comparable to the same for children. Ban on night and unhealthy work.

1919 Law 11353. Provides a working day of eight hours for women or a 48-hour week and three months' maternity leave.

1926 Law 11.357. Civil Code reform. Extension of the civil capacity of women. Provides legal equality for single, widowed or divorced women at a greater age than for men. Allows married women to pursue an honest profession, employment, trade or craft and grants freedom to dispose of the proceeds without the authority of the husband.

1947 Law 13.010. Grants political rights to women.

1956 Ratification of international conventions adopted by the ILO International Labour Conference.

1957 Constitutional reform. Article 14 bis provides for the protection of the law for labour in all its forms. It guarantees, inter alia, equal pay for equal work.

1960 Law 15.786. Approves the Convention on the Political Rights of Women.

1965 Law 16.668. Makes a prenuptial certificate compulsory for brides. It used to be compulsory only for the man.

1968 Law 17.677. Ratification of the ILO Convention on Discrimination in Employment and Occupation.

1968 Law 17.711. Establishes full capacity for women of adult age whatever their civil status. Married women under age are emancipated by marriage.

1969 Law 18.248. Provides that the woman is obliged to use her husband's name.

1973 Law 20.392. Prohibits different pay for male and female labour for work of equal value.

1974 Law 20.744. Legislates on contracts of employment. In Title VII it includes a series of rules specifically related to women's work. It provides for equality between workers of both sexes and lays down anti-discriminatory rules.

1976 Law 21.297. Reforms the law on contracts of employment, deleting guarantees and reducing rights, in particular for working women.

1985 Law 23.054. Ratifies the American Convention on Human Rights.

1985 Law 23.179. Ratifies the Convention on the Elimination of All Forms of Discrimination against Women.

1985 Law 23.264. Amends the provisions on parental authority and filiation contained in the Civil Code. Establishes joint exercise of parental authority by parents over their minor children, previously exclusively the father's prerogative. The woman thus shares in the administration of the property of her minor children. It establishes equality between children born within and outside the marriage.

1985 Law 23.226. Gives pension rights to the spouse in a de facto marriage.

1986 Law 23.313. Ratifies the International Agreement on Economic, Social and Cultural Rights and the International Agreement on Civil and Political Rights and its Optional Protocol.

1987 Law 23.515. Reforms provisions governing the family regime. Legislates on divorce and includes some of the precepts from the Convention on the Elimination of Discrimination: choice of conjugal domicile by the spouses jointly; abolition of the obligation to add the husband's family name, and establishes equal rights for both spouses.

1988 Law 23.592. Constitutional rights and guarantees, discriminatory acts - sanctions against those who commit such acts.

1991 Law 24.012. National Electoral Code. Stipulates that the lists of candidates presented by political parties must include at least 30 per cent women for posts subject to election and in proportions such that they may be elected.

(b) National mechanisms

43. In 1986 the Directorate General for Women's Affairs was established within the Under-secretariat for Human Rights in the International Sphere of the Ministry of Foreign Relations and Ecclesiastical Affairs. It currently operates as the Directorate General for Human and Women's Rights. It carries out the following activities:

- Representation in international organizations on the subject of women.

- UNIFEM Programme: "Replacement of external debt by micro-enterprises employing women with limited resources".

- Management of international financing of official and non-governmental bodies for women's micro-enterprises.

- Agreements concluded with various institutions for the development and promotion of women:

  * Agreement with the National Council for Technical Education (CONET)

* Agreement with the border control authorities: "Women and border control"

* Agreement with the Under-secretariat for Agriculture, Livestock and Fisheries: "Rural Women".

- Holding of seminars and workshops with the participation and sponsorship of international organizations.

- Strengthening the Interprovincial and Interregional Network for Women.

44. Decree 280/87 established the Secretariat for Women's Affairs within the framework of the Ministry of Health and Social Welfare (which operated until 1990).

45. Finally, in March 1991, Decree 378/91 established the Coordinating Council for Public Policies on Women, which acts under the jurisdiction of the President of the Nation under the direct authority of the Chief Justice.

46. Its primary task is to fulfil the obligations incurred under the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Law 23.179 of 1985.

47. The Council is composed of: representatives from various areas of the National Executive concerned with women and representatives of the provinces, the Buenos Aires City Council and the legislature and judiciary. It permits the formulation of national and federal policies for women. The function of this body is to involve all concerned, and not just one ministry department or special under-secretariat, in national planning as concerns the structural disadvantage faced by women, and the coordination of activities to avoid duplication.

48. Advisory Committees will be set up to advise on matters assigned to them by the Council. This will allow the Council to act as a mediator between social demands and to work with other State bodies at national, provincial and municipal level.

49. Functions of the Council:

- To encourage measures helping to eliminate existing discrimination against women in society.

- To monitor and follow up the application of Law 23.179 through agencies of the National Executive and to draft the appropriate regulations.

- To coordinate, plan and evaluate the results of implementing policies, programmes and activities, specifically related to women, to be carried out by various ministries.

- To promote studies and research into the status of Argentine women in the following fields:

Legal, educational, cultural, health, socio-cultural, economic, production and employment, through the INAP Research Department and the Civil Service Secretariat belonging to the Office of the President of the Nation.

- To compile information and documentation on women, and to stimulate the creation of an updated data bank to serve as a basis for devising public policies on this subject.

- To coordinate the negotiation of institutional agreements in order to prevent discrimination against women.

- To establish relations with non-governmental organizations and establish liaison between the Council and the relevant international organizations, in conjunction with the Ministry of Foreign Relations and Religious Affairs, participating in the conclusion of agreements arising out of matters within its competence.

- To promote the provision of services for women, especially those geared to the social sectors where there is a special need for assistance.

- To issue its own rules of procedure.

The Council is responsible for achieving three central goals in the design and coordination of public policies for women:

- Design of public policies specifically oriented towards women.

- Promotion of women's involvement in the formulation of policies which affect them.

- Promotion of collaboration between the various institutional levels concerned with women.

The Women and the State Programme of the National Institute for Public Administration provides technical support to the Coordinating Council for Women, by the:

- Design and implementation of training programmes for women.

- Creation of a database on the status of women in the country.

- Projects and research.

50. Activities undertaken:

- Development of interministerial policies to receive and pass on women's problems. The integrated communication network was established for that purpose and has counterparts in the various jurisdictions.

- Advisory Committees attached to the Coordinating Council have been created with members from non-governmental organizations and associations, whose main objective is concerned with various aspects of women's problems. These committees will function by subject area:

* Advisory Committee for Women in Politics, with representation of all political parties active in national life. It takes an active part in all negotiations and moves to obtain the support of the law on quotas in representational elected offices.

* Establishment of the Permanent Commission on Women and AIDS, with representation of NGOs, professionals, experts and departments concerned with this subject.

- Conclusion of an agreement with the Ministry of Education aimed at changing stereotypes of men and women in primary and secondary education.

- Conclusion of an agreement with the Secretariat for Health to participate in its Plan for the Protection of Maternity and Childhood.

- Presentation to international bodies of projects and programmmes on: child woman - child mother; women and AIDS; women, the environment and the quality of life; programme for equal opportunities in education; micro-enterprises for women; nutritional programmes, etc.

The following activities have been undertaken under the Woman and the State Programme:

- Publication of the survey of government agencies, their projects, programmes and officials concerned with the subject of women.

- Survey of research centres and projects on the theme of women throughout the country in order to develop a database.

- Holding of courses on:

  * Module: introduction to the status of women in Argentina, for those in charge of public programmes and policies.

  * Formulation of social policies for women.

  * Women and planning: the chance to participate.

  * Intersectional work and the problem of women.

- Implementation of a competition for research grants on the subject of women and public policies. Twenty grants were awarded.

51. Other agencies:

Department for Women's Affairs of the National Directorate for Employment of the Ministry of Labour and Social Security. This department enjoys technical assistance from ILO, and sections have been organized on the use of professional information, research and statistics, labour relations, environment, institutional work and relations.

Departments for women's affairs within the trade unions. The General Workers' Confederation (San Martín) and the Confederation of Labour (Azopardo) both have a Department for Women's Affairs. Secretariats or departments for women's affairs have been set up in most of the unions.

(c) Provincial mechanisms

52. In most provinces there are councils or sections for women's affairs to deal specifically with women's problems. In the provinces of La Rioja, Santiago del Estero, Misiones, San Luis and Buenos Aires they have been officially established by the respective provincial legislations.

(1) Secretariat for Women's Affairs and Social Solidarity of the Municipality of Buenos Aires

Programmes and activities: programme for integrated women's centres; programme for prevention and assistance in cases of family violence; programme of assistance to young pregnant women; training programme for women as legal guides and qualified guardians; production projects - production cooperatives and enterprises, and promotion, training and counselling programmes, etc.

(2) Provincial Council for Women's Affairs in the Province of Buenos Aires

This Council carries out the following programmes and activities: opening of municipal councils as centres of local power; programme for the publicizing of women's rights; programme for preventing violence; job-creation programme; housing programme; training programme; education programme; social infrastructure programme; research programmes.

(3) Under-secretariat for Women and the Family in El Chaco Province

Programme and activities: campaign to reduce the price of products in the family shopping basket and the formation of a family supply network; awareness campaign on women's rights and ways to exercise them; intensive advertising through the mass media and community activities (women and the law, sex education, women working at home, sexism in the education system, work and health), etc.

(4) Under-secretariat for Women's Affairs in Entre Rios Province

Programmes and activities: organization of production micro-enterprises; women and family violence; pensions for housewives; prevention of gynaecological cancer; women and public office, etc.

(5) Counselling Centre for Women's Affairs in Mendoza Province

Programmes and activities: women as producers: development of production models with the effective involvement of women in entrepreneurial production and organization; advice to working women; prevention of violence against women; health care for women; prenatal care of pregnant women; legal advice on family law; interdisciplinary care of adolescents; research programmes, etc.

(6) Under-secretariat for Women's Affairs in Misiones Province

Programmes and activities: plan for the promotion of women; centre for women; programme for training and promotion for women in the area of nutrition; projects for production units.

(7) Under-secretariat for Minors, Women and the Family in Neuquén Province

Programmes and activities: "Being a Woman" - technical and material support for small production units; women and communication; preventive measures for and assistance to ill-treated women; temporary protection for women victims of ill-treatment - assistance in the payment of rents to victims of ill-treatment in risk situations; women as mothers - temporary subsidy for pregnant women in risk situations.

(8) Under-secretariat for Women's Affairs in San Juan Province

Programmes and activities: profile of women in San Juan - analysis of the status of women throughout the province; family action centres; kindergartens; production micro-enterprises for women; legal counselling; information and guidance centre; training; modules for women's participation; women's health action; prevention of family violence.

(9) Secretariat for Women's Affairs in San Luis Province

Programmes and activities: kindergartens; centres for the prevention of family violence; regionalization of women's problems in the interior of the province - creation, support and monitoring of liaison committees made up of women in the towns of the province to coordinate and implement programmes and activities.

(10) Provincial Directorate for Minors, Women and the Family in Santa Fe Province

Programmes and activities: programme for promotion and protection of women; programme of assistance to women and the family group; programme for promotion, preventive measures and assistance in the case of ill-treated women.

(11) Secretariat of State for Women's Affairs in Santiago de Estero Province

Programmes and activities: centre for women; social action; training; production enterprises with women's participation; programme for welfare of women in the interior; social assistance programme.

(12) Directorate General for Women and the Family in La Rioja Province

Programmes and activities: legal advice service on family law; prevention of violence against women; women as producers; counselling for women workers.

(13) Under-secretariat for Women's Affairs in Formosa Province

Programmes and activities: programme for promotion and training of women; programme for prevention and treatment of violence; projects to provide incentives for family orchards, small-scale fruit and vegetable growing and housing construction.

There are no reliable data for the remaining provinces, where the previously functioning women's organizations are in the process of being restructured.

Need for new legislation:

53. Recognition in national or provincial legislation, as appropriate, of the Coordinating Council for Public Policies on Women and provincial departments or councils for women's affairs, in those states where relevant legislation has not yet been passed.

3. MANDATORY FORCE OF THE CONVENTION IN DOMESTIC LEGISLATION

54. Article 31 of the National Constitution provides that international treaties are the supreme law of the nation, having equal authority with national laws.

55. Accordingly, rights provided under the Convention may be invoked in national courts.

56. However, in addition to legal ratification to bring them fully into force, it is also necessary to adapt all legislation to the principles contained therein in order to avoid questions of contradictory interpretations arising out of their self-implementing nature.

57. The regulatory nature of the Convention in general is programmatic and does not establish sanctions or penalties for non-compliance. This means that its provisions have to be incorporated into laws which specifically address each of the rights thus protected as well as the obligation to comply therewith and the penalties for violation. It is also necessary to clearly define the judicial and administrative authorities competent to demand such compliance in the national or provincial jurisdiction.

58. Law 23.592 of 1988 establishes in article 1 that: "any person who arbitrarily impedes, obstructs, restricts or in any way diminishes the full exercise, on a basis of equality of the fundamental rights and guarantees recognized in the National Constitution will be compelled, on petition by the injured party, to render null and void the discriminatory act or to cease committing such act and to redress the moral or material damage so caused. For the purposes of the present article, acts particularly contemplated are discriminatory acts or omissions perpetrated for reasons such as race, religion, nationality, ideology, political or trade union opinions, sex, economic standing, social status or physical attributes".

59. Its provisions open up a new channel for legal claims in respect of discriminatory acts against women and also in relation to omissions which have the same effects. The victim of such acts would, thus, be able to require a discriminatory act to be rendered ineffective or ceased. At the same time, a woman may claim in respect of the moral and/or material damages occasioned by the discrimination practised against her.

60. There is no known example of the provisions of this law being invoked in any legal claim based on discriminatory acts against women.

PART TWO

SPECIFIC MEASURES

Articles 1 to 3

[Advancement of women]

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Argentine law

61. Argentine legislation does not contain any provision expressly referring to discrimination against women in the exercise and enjoyment of human rights and fundamental freedoms, but it does show a clear trend towards the progressive elimination of all forms of discrimination against women.

62. The National Constitution of the Republic was adopted in 1853. It recognizes the equality before the law of all its inhabitants. It does not admit personal privileges, titles of nobility nor prerogatives of blood or birth.

63. This constitutional principle is the basis of equality between men and women, and the recognition of that equality in the legal, political, economic, social, civil and cultural spheres.

64. In general, the legislation in force embodies the principle of equality between the sexes in political, civil, penal matters and labour legislation and in the right to education and health. (In the analysis of the articles of the Convention which refer specifically to each of these spheres, there is detailed coverage of the progress and impediments currently being experienced in achieving strict compliance with the Convention.) Since 1985 there has been major progress in family rights through Law 23.264 which reforms the regime of parental authority and filiation and Law 23.515 on civil marriage which reforms the family regime.

65. Various international conventions related to women's rights have been ratified by the enactment of legislation. In 1957, the Inter-American Convention of Bogotá, signed in 1948, which enshrines the principle of legal equality of men and women, was ratified; the American Convention on Human Rights (Law 23.054); the Convention on the Elimination of All Forms of Discrimination against Women (Law 23.179) and the International Agreement on Economic, Social and Cultural Rights and the International Agreement on Civil and Political Rights and its Optional Protocol (Law 23.303).

(a) In a forthcoming constitutional reform it will be necessary to include expressly the principle of equality between men and women.

(b) The legislation of the country as a whole does not provide measures which expressly prohibit discrimination against women nor any type of sanctions for such a situation. The Law on Employment Contracts prohibits discrimination on grounds of sex, but in practice it is very difficult to prove. Neither does it expressly establish sanctions

against the employer who commits an act of discrimination, except the right to obtain compensation in the case of dismissal on the grounds of pregnancy or maternity or because of marriage. But it also establishes a series of requirements which limit its power of protection.

(c) Although the international treaties ratified by the country have the status of national law, the regulatory nature of the Convention is of a general type. For this reason, there is need to adapt all internal legislation to suit its provisions, as well as the corresponding penalties for non-compliance, and the judicial and administrative authorities competent to deal with complaints.

(d) The National Institute for Public Administration approved in 1991 the creation of the Women and the State Programme, whose aim is the integration of women, on a basis of equality, at all levels, and the equality of opportunity for both sexes with regard to access to promotion to decision-making levels.

Decree 993/91 established the National Public Administration System. In article 5, it states: "Representatives of the civil service shall guarantee non-discrimination against women".

(e) Article 118 on the suppression of adultery provides differences between men and women. The man will only be guilty of such an offence when "he has a mistress inside or outside the conjugal home", i.e., a continuous relationship over time. In the case of a woman, a single act suffices. These criteria are taken into consideration by the courts in cases of divorce when such grounds are invoked. It is considered that what constitutes adultery in the case of a woman is merely infidelity in the case of a man. There are other almost concealed instances of discrimination contained in the concept of "decency" in the Title "Offences against Decency" when these refer to offences against sexual freedom and morality. In the case of the offence of rape it is necessary to consider that the legal good protected is sexual freedom, hence the male spouse or concubine should also be included as an active subject.

66. Point 3: In this connection, the Directorate-General for Women's Affairs was set up as part of the Under-secretariat for Human Rights in the International Sphere of the Ministry of Foreign Relations and Ecclesiastical Affairs.

67. Decree 378/91 established the Coordinating Council for Public Policy on Women, the "fundamental task of which is to implement in practice the commitments entered into under the Convention on the Elimination of All Forms of Discrimination against Women".

68. In October 1991, by a resolution of the Senate and the Chamber of Deputies of the Nation, a bicameral commission was set up to give effect to Law 23.179, which approves the Convention on the Elimination of All Forms of Discrimination against Women. This Commission is competent (a) to study and analyse legislation in force in order to propose appropriate amendments to or, as appropriate, repeal of provisions which constitute or could give rise to discriminatory conduct against women, and (b) to propose the approval of provisions aimed at preventing and suppressing discrimination against women.

Article 4

[Temporary measures aimed at accelerating the achievement of equality between men and women]

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

69. The notion of positive discrimination has inspired the adoption of "catching-up" measures.

70. It is not a common practice in this country to introduce measures of a temporary nature deemed necessary to achieve equality between men and women in different areas of society. Except for a few isolated provisions of the law governing contracts of employment relating to night work or arduous or dangerous work, etc., such measures cannot be found in our legislation.

71. Various governmental and non-governmental women's organizations are demanding such measures. The current crisis through which the country is passing has led many working-class women to become the real breadwinners in household economies. In the labour market, their participation has increased in the informal sector of the economy, with unstable jobs, low wages, unsatisfactory working conditions and no social security, thereby placing women and their families in a seriously exposed position. In this context, together with the decline in public services, there arises the need to formulate policies and programmes for women as a distinct group and a preferential target population.

72. The perspective of GENDER as incorporated into government policies must be accompanied by corresponding training and technical assistance.

73. Law 24.012 provides that lists presented by political parties for registration of candidates must include a minimum of 30 per cent women for elected office and in such a way that they have a chance of being elected. Lists which do not satisfy these requirements are not registered (6 November 1991).

74. Principal special measures to be adopted

- The compulsory inclusion of an appropriate percentage of women in technical, organizational and trade-union training courses.

- Fixing of grants for women in technical careers or specialisms required by the new proposals for reconstruction of production.

- Incentives for private enterprises to employ women.

- Priority allocations to women heads of households in public housing plans.

- Programmes for micro- and small enterprises for women with a given level of management ability.

Article 5

[Elimination of stereotypes]

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

(a) The return to democracy in Argentina allowed collective expression against authoritarian practices and restrictions on freedoms. Large numbers of non-governmental women's organizations raised as their flag the principles of equality of women and non-discrimination in society. They were joined by militants from political parties and at last there was recognition by the Government - based on a growing recognition by society - that was reflected in the creation of governmental structures responsible for protecting women's rights at both national and provincial level, for which changing the socio-cultural behaviour patterns and models of men and women has been a fundamental and constant concern.

75. But it is a long and difficult task. In addition to the necessary legislation, it requires an effort of understanding and mental attitude by people of both sexes in their public and private relations.

76. Education at all levels in the country continues to reproduce the roles of men and women considered to be "traditional". This is true both in formal and informal education.

77. In the communication media, audio-visual media and advertising, except in very rare cases, women are represented in the context of their family function or as a sex object without any connection to the product or service which is intended to be advertised, i.e. limiting their role in society or directly or indirectly diminishing them as women.

Some remedial measures adopted to eliminate discrimination

78. In June 1991, as an important step aimed at changing the teaching of such stereotypes, an agreement was signed between the Ministry for National Education and Culture, the Coordinating Council for Public Policies on Women and the National Public Administration Institute for Inter-institutional Cooperation, in order to implement in the educational field the commitments entered into by Argentina as a signatory to the Convention on the Elimination of All Forms of Discrimination against Women. Its main objectives are:

- Information and training programmes aimed at teachers, student leaders and other members of the educational community designed to change discriminatory attitudes and practices in scholastic organizations.

- To design and implement special programmes at all levels and various methods to improve educational opportunities for women.

- To undertake vocational, educational and professional guidance which extends and enhances the participation and activity of women in political, professional and social life.

- To include progressively in texts and programmes the theme of women in more than just their family role.

- To include in teacher training programmes the specific topic of equal participation of men and women in society.

- To carry out research projects on the status of women in education.

- To prepare and distribute background material on the subjects proposed.

79. A coordinating unit is being established, consisting of all subscribing organizations and a representative of Buenos Aires University.

80. In order to get it going effectively, we need to draw up a National Programme containing a series of projects for different areas. To this end, the Coordinating Council for Women's Affairs has invited non-governmental organizations and vocational institutes for women's affairs to participate in and publicize the programme.

Violence against women

81. In the provinces, many Councils for Women's Affairs now have programmes for prevention and help for mentally and physically mistreated women: these include the Federal Capital, Buenos Aires Province, Mendoza, Chaco, Catamarca, Entre Rios, Neuquén, San Juan, San Luis and Santa Fe.

82. In Buenos Aires Province, there is partial support by the Legislature for a law authorizing the expulsion of the offender from the conjugal home.

83. In La Pampa Province, Law 1081 of 1988 promotes the creation of a special service for the elimination of family violence that is part of the Ministry of Social Welfare. Its approach is pre-eminently preventive.

84. The programmes of Buenos Aires Province and the Federal Capital are subjected to a special analysis below on account of their features and the number of people they affect (more than 50 per cent of the total population of the country).

* The Provincial Council for Women's Affairs of Buenos Aires Province is carrying out its Programme for the Prevention of Violence Against Women. It is undertaking the following activities:

  - Making society more aware of the problem of battered women and mistreated families in order to change violent cultural patterns.

  - Creation of violence prevention centres run by interdisciplinary teams and commissariats for women's affairs operating in various towns in order to provide people affected with the means to solve their problems. There are currently eight commissariats for women's affairs in operation in various districts of the Province, run by staff specially trained in these functions.

* In the Federal Capital, since the end of 1989, the Under-secretariat for Women's Affairs and Social Solidarity of Buenos Aires City has been operating its Programme for Prevention and Assistance in cases of family violence, in the context of which the following measures have been implemented:

  - Installation of a permanent 24-hour telephone service every day of the week with specialist staff working in rotation, as one of the ways of responding to the problem through a specialist listening service which provides guidance. The service has a file of institutional and community resources to which it can refer each case in the light of its specific needs (medical, psychological and legal assistance) and the place where the caller lives.

85. In the little more than a year that the telephone system has been in operation, more than 10,000 calls have been received. It operates in conjunction with the Federal Police when acting in urgent and serious instances of violence.

86. In addition, specialist research courses on women's affairs have been set up. The postgraduate courses of the Psychology Faculty of Buenos Aires University include an "Interdisciplinary course specializing in women's studies". In the Faculty of Law and Social Sciences of the National University of Comahue there is a postgraduate course on the same subject. At the University of Cuyo, a course is being organized in Mendoza Province on "Women in Society".

(b) Changes in parental authority

87. As a result of changes to the Civil Code introduced by Law 23.264 governing the parental authority, a woman can now, jointly with her husband, exercise family authority over the person and property of her minor children who are unmarried. This right applies in the case of married, separated or divorced parents as well as in the case of natural children.

88. In special situations, its exercise will be decided by the judicial authority which must take into account the legal equality of the spouses.

Need for new legislative provisions

89. Violence against women basically arises from the discrimination suffered by women in all areas of life. The patriarchal culture with its stereoptypes of men and women, and the conduct accepted as specific to each sex, help to create a situation when no questions are asked and a blind eye is turned to a practice which contradicts the notion of respect and freedom for all human beings.

90. There is need for the approval of legislation which covers the entire range of problems of violence against women by developing techniques for prevention and inducing society to respond actively to cases of maltreatment (domestic violence and sexual harassment at work and in all areas where women are involved).

91. Another point to consider in changing current stereotypes is the present division of labour on grounds of sex and the need to re-evaluate the importance of domestic chores. Housewives must be registered as part of the economically active population and production at home must be included among national production indicators.

92. A fair distribution of domestic chores between men and women.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

93. The Argentine State has ratified the International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

94. In accordance with this international instrument, article 125 of the Penal Code provides that:

A person who, for profit or to satisfy his own or others' desires, procures or facilitates the prostitution or corruption of minors, regardless of sex, even with the consent of the victim, shall be punished with:

1. Detention or a prison sentence from four to 15 years if the victim was under 12 years of age.

2. Detention or a prison sentence from three to 10 years if the victim was over 12 years but less than 18 years of age.

3. Detention or a prison sentence from two to six years if the victim was over 18 years and under 22 years of age.

95. Whatever the age of the victim, the penalty will be a prison term from 10 to 15 years when the offence involves deception, violence or threats, abuse of authority or any other means of intimidation or coercion, and where the perpetrator was an older relative, husband, brother, guardian or person responsible for the victim's education or care or married to the victim.

96. Article 126: A person who, for profit or to satisfy others' desires procures or facilitates the corruption or prostitution of adults, by deception, violence, threats, abuse of authority or any other means of coercion, shall be punished by detention or a prison term from four to 10 years.

97. Argentine criminal law actively suppresses procuring but there is practically no type of regulation on prostitution in existence.

98. The prostitution situation escapes the authority of the police who can at most prevent it from being too obvious. A police order of 1949, concerning indecency, stipulates in its article 2, paragraph N, that: "persons of either sex who publicly incite to or offer sexual intercourse will be punished by fines or detention of 5 to 21 days". The ambiguity of the edict lies in the fact that under the current sexual morality it is the prostitute who is punished, never the client (the role played in the transaction is sanctioned, not the transaction itself).

99. Despite the abolitionist approach in the 1949 Convention, an enormous proportion of prostitutes in the country are subject to some form of procuring or coercion.

100. There is a serious lack of rules and regulations of any kind to combat procuring. In practice, there is no evidence of the will to effectively do away with procuring using the appropriate means of action.

101. There is also the need to establish prison sentences and fines to deter pimping.

102. Article 127 bis of the Penal Code expressly sanctions traffic in women: "A person who procures or facilitates the entry into or exit from the country of a woman or minor for the purposes of prostitution shall be punished by detention or a prison term from three to six years".

103. A draft ordinance intended to review the expediency of regulating prostitution has just been submitted to the Buenos Aires City Council. The proposal has led to a great public debate. In the end, a commission was set up to undertake a comprehensive study of the subject.

Article 7

[Political and public life]

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

(a) Argentine women have the right to vote on a basis of equality with men and without any discrimination. The same applies to the right to be elected to all bodies whose members are elected by public suffrage.

104. Under Law 13.010 of 1947, women were granted full capacity in their enjoyment of political rights.

105. Despite this equality of rights, women form a minority in bodies whose members are elected by the public.

106. The average number of women voters in the last election was around 50 per cent. However, up to August 1991, there were only 16 women among the 254 deputies to the National Congress (6.29 per cent). In the Senate, only four out of the 46 members are women (8.69 per cent).

107. The Provincial Legislatures and Municipal Councils of the whole country show similar percentages of involvement.

108. The National Congress has recently passed Law 24.012 of 6 November 1991, which establishes that lists of political parties must show at least 30 per cent of candidates for the offices to be elected, in proportions such as to allow the possibility of being elected, in order to be officially registered. No list which fails to meet these requirements will be registered.

(b) Executive agencies of State policy

109. The participation of women in the executive agencies of State policy is very low, although there is no explicit discrimination. Not one woman discharges functions at the level of the Minister-Secretary of State.

110. At the present time, women in the foreign service occupy the highest levels of diplomatic representation, with six women ambassadors: three career diplomats and three political officials appointed by the Executive.

111. In other senior posts, secretariats, under-secretariats, directorates etc., the few examples of women are something of a rarity. The general rule is that high office in the civil service is held by men.

112. Alongside this very low level of participation in senior and managerial posts in the civil service, there is a large number of women in the central government administration, averaging over 50 per cent.

113. A study undertaken in the public sector shows in striking fashion, in relation to middle-level and senior posts in the organizational pyramid, that "women must always satisfy one additional requirement - either better education or greater experience in the service". For example, professional women need more than 16 years of seniority to have equal chances with recent entrants who are men.

114. The National Administrative Profession System (Decree 993/91) in its article 5 establishes the obligation of representatives of the civil service to ensure non-discrimination against women in public office.

115. The following statistics show the situation in the Judiciary:

* Federal Justice of the Federal Capital:

  - First instance: 2 out of 20 judges are women (10 per cent)

  - Second instance: 2 out of 25 judges are women (8 per cent)

* Federal Justice of the Interior:

  - First instance: 3 out of 53 judges are women (5.6 per cent)

  - Second instance: 5 out of 50 judges are women (10 per cent)

* Magistrates' courts of Buenos Aires Province:

  - One-person magistrate courts: 98 out of 348 judges are women (28 per cent)

  - Collegiate courts: 54 out of 274 judges are women (19.7 per cent)

(c) Union participation

116. Women have the same rights as men to join and work in trades unions. However, rarely do they occupy important administrative posts, even when a high proportion of the workers in them are women. An exception to this is the Teachers' Association (CTERA), whose Secretary-General is a woman.

Participation in political parties

117. Although in most political parties women's membership is comparable to that of men, the proportion of women in administrative posts in party management is low in comparison.

Women's non-governmental organizations

118. In recent years, a large number of such bodies have been established in various areas of the political, social, economic and cultural life of the country.

119. Six National Meetings have been held in various parts of the country. The last was held in August 1991 at Mar del Plata, with the attendance of more than six thousand women.

120. Argentina was the venue for the Fifth Latin American and Caribbean Meeting of Women at San Bernardo in November 1990. Some 2,500 women from Latin America and the Caribbean attended, as well as women from North America, Europe and Asia.

Article 8

[International representation]

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

121. There is no legal provision preventing women from representing their Government internationally or taking part in the work of international organizations. Their participation, however, is very limited.

122. The Foreign Service had six women ambassadors in 1991, three career diplomats and three officials appointed by the Government.

123. This question is related to the wider problem of women's involvement in political and public life.

Article 9

[Nationality]

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

124. Argentine legislation does not establish any distinction on grounds of sex in relation to nationality.

125. Marriage to a foreigner and change of nationality of the husband change the nationality of the spouse.

126. In Argentina, nationality is defined on the principle of *Jus soli*. It is acquired through birth within the national territory regardless of the nationality of the parents.

Article 10

[Education]

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

(a) and (b) Since as early as the last century, Argentina has stood out in Latin America in respect of equality of women with men in access to education, especially primary schooling.

127. Since the 1970s, women have begun to enter secondary education on a mass scale and have also, since that time, begun to study at university.

128. It can be stated that the access of women to all levels of education is now not only unrestricted but slightly higher than for men. However, there is a marked differentiation between social sectors.

Pre-primary and primary level

129. Law 1420 of 1884 establishes compulsory, free and lay education for men and women. A study on "The educational status of women in Argentina", which analysed the various levels of education by age-group, sex and location, gave the following data: 95 per cent of the population of six years of age and over attend primary school. At secondary level, the attendance is 33 per cent of the population aged 12 and over. At tertiary level, attendance is only 8 per cent of the population aged 17 and over.

130. In rural areas, figures for illiteracy in 1980 were 14.2 per cent for men and 15.1 per cent for women, while in urban areas, the levels were 3.6 per cent and 4.5 per cent, respectively.

131. Moreover, only 10 per cent of the rural population reaches the stage of secondary education and 1.5 per cent higher education.

132. Between 1970 and 1986, the proportions of girls and boys varied around 50 per cent.

Secondary or intermediate level

133. This level of education is not compulsory in the country. Structural changes in female participation have occurred in secondary education. At the end of the period 1940-1955, there was a significant increase in the number of female pupils, which reached 51.6 per cent.

134. These percentages persisted, with slight variations, until 1986.

135. With regard to subject preferences, the Basic Baccalaureate, which includes teacher training, is the one showing the greatest number of women. The figure was 58.9 per cent for 1970, falling to 50.8 per cent after 1983.

136. In the business courses, the participation of women rose from 35.2 per cent in 1970 to 37.2 per cent in 1986.

137. In the technical course, there is a greater increase: from 1 per cent in 1970 to 8.6 per cent in 1986.

138. The farming, industrial, fine arts and other options show insignificant percentages.

Higher level

139. Women now enter higher education in the same proportions as men. In the 1940s, their share was 13 per cent. By 1986 it had reached 46 per cent.

140. As far as subject choice is concerned, most of the students opt for traditionally feminine careers. Some 80 per cent are registered in educational science, humanities, and philosophy and letters. The percentage of women in architecture, law and medicine is around 50 per cent.

141. In the so-called masculine subjects such as engineering and agricultural science, women account for 9 per cent and 21.17 per cent (?), respectively.

142. In non-university tertiary education, women entrants for 1986 were 78 per cent of the total. Their studies are directed towards teaching specialities preferred by women.

(c) Elimination of male and female role stereotypes in education. School texts continue to make reference to traditional roles of men and women.

(d) A significant advance is the Agreement signed between the Ministry of Education, the Coordinating Council for Public Policy on Women and the Civil Service Institute for Inter-institutional Cooperation to implement in education the commitments entered into by Argentina as a signatory to the Convention on the Elimination of All Forms of Discrimination against Women.

(e) and (f) Women have the same access as men to adult further educational or functional literacy programmes. They thus have the chance to complete the studies which they had to abandon for a variety of reasons.

(g) Women's participation in sport and physical education is ensured on a basis of equality with men through activities common to both sexes. This equality only applies in education.

(h) In education, there is no subject concerned with matters of family planning. The need arises for some pupils over the age of 13 to study subjects dealing with sex education which develop their sense of responsibility as future citizens and parents. Discussion of criteria for prevention, the nature of abortion, and ways of avoiding disease, particularly prevention of AIDS.

Need to consider a change in the thrust of women's training

143. In women's vocational training, it must be borne in mind that education is the gateway to the employment market. The goal will be to achieve "equality of opportunity" in access to jobs.

144. Creation of vocational guidance agencies for young people from the last year of primary school.

145. Training must include new features related to new technologies.

146. Need to undertake activities concerned with changing mental attitudes and providing information for women on the new outlook in the employment market and the possibility of access to all professions and special careers.

147. Implementation of action programmes on diversifying work options for women, with the participation of the Ministry of Education and women's organizations. It must address all levels of education.

148. Influencing the mental attitudes of those involved in the education process, as well as young people and families, in order to change current patterns.

Award of grants to women for scientific and technical training, with participation and monitoring by organizations responsible for protecting women's rights.

149. The University of Buenos Aires created in 1987 a multidisciplinary postgraduate course for graduates from all university departments, entitled "Course of Specialized Studies dealing with Women" based in the Faculty of Psychology of that University. This was a response in the academic field to the growing social need to describe, explain and transform the status of women through research, training programmes and social action.

Article 11

[Labour laws]

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

150. The Argentine Republic has ratified the following Conventions of the International Labour Organisation (ILO): 3; 4; 41; 45; 100; 111; 156.

151. The provisions of these conventions have been incorporated virtually in their entirety into our labour legislation.

1. Constitutional guidelines

(a) Argentine law recognizes rights and obligations for all workers in employment, regardless of sex, based on the principle of the equality of all inhabitants, as laid down in the Constitution.

- All inhabitants of the country enjoy the following rights under the laws governing application of the Constitution, namely: "... to work and to pursue any licit trade" (article 14).

- Work in all its forms shall enjoy the protection of the law, which shall include the right of workers to equal remuneration for equal work (article 14 bis).

- The principles, rights and guarantees recognized in the foregoing articles shall not be amended by laws governing their implementation (article 28).

(b), (c) and (d): Private sector: Law governing Contracts of Employment (1974), as amended by Law 21.297 of 1976

152. The various provisions in the articles of this Law reflect legislation designed to consolidate the equality between men and women workers in the country as well as lines of anti-discriminatory action, in particular, in articles 17 and 18 of Title VII, which includes a set of specific standards relating to women's work.

153. It establishes the rights and obligations of workers, except for employees in branches of the national, provincial and municipal civil service, workers in domestic service and rural labourers, who are governed by their own statutes.

154. The contract of employment is primarily regulated by the provisions of this law. In the order of precedence established in article 1, it is regulated by occupational laws and statutes and collective agreements or awards with the force of such, the will of the parties, and usage and customs.

155. Any form of discrimination between workers on grounds of sex, race, nationality, religion, politics, union membership or age is prohibited (article 17).

156. Women have full capacity to conclude any type of contract. Married women may do so without the need for the husband's authorization.

157. It provides that "no distinction shall be made between the remuneration of men and women for work of equal value. Any provision to the contrary shall be null and void" (article 172).

158. Collective agreements cannot depart from the constitutional and legal regulations governing labour rights and obligations, but they can make specific improvements, provided that such does not compromise public interest.

"The employer shall treat all workers equally in the same circumstances. Unequal treatment shall be considered to exist when arbitrary discrimination occurs on the grounds of sex, religion or race, but not when the different treatment reflects principles of the common good, such as might occur in cases of greater efficiency, dedication or application on the part of the worker" (article 81).

(e) Women workers in the private and public sectors are entitled to pensions for old age, disability or other incapacity to work. They are entitled to annual paid holidays based on length of service. These provisions are verified in the formal employment sector, but there are other forms of women's work which do not enjoy such entitlements.

(f) Title VII of the Law limits the contractual autonomy of working women, in order to protect them. The following aspects are covered:

- Maximum working day, eight hours per day or 48 hours per week.

- Prohibition of night work (between 10 p.m. and 6 a.m. the following day) with two exceptions: work of a non-industrial nature which should preferably be done by women and services provided in places of public entertainment at night.

- A two-hour break at midday in the case of a non-continuous schedule (morning and afternoon).

- Prohibition on giving women work to be done at home when employed in the main building or other premises of the enterprise in order to avoid violating restrictions on the working day.

- Prohibition on employing women for work of an arduous, dangerous or unhealthy nature.

2. (a) No form of discrimination in employment is acceptable on the basis of sex or marital status, even when the latter changes during the period of employment.

159. Dismissal on the grounds of marriage is prohibited and if a legal presumption is established there must be severance pay.

160. Women workers enjoy security of tenure during pregnancy; this becomes an acquired right from the moment when the woman gives official notice in the form of a medical certificate that she is pregnant.

161. There is a presumption that the reason for dismissal is maternity or pregnancy when it occurs within a period of seven and a half months before or after the date of delivery, provided that the woman worker has met the obligation to notify and officially register the fact of pregnancy, and, where appropriate, the birth.

162. The compensation provided for in article 182 of the Law governing Contracts of Employment will come into effect if the dismissal is by reason of maternity or pregnancy.

(b) Women are entitled to leave during the pre- and postnatal period, 45 days in each case, with reservation of their employment.

163. During both periods, she receives a sum equal to what she would have received if she had worked. This payment is the responsibility of the social security schemes.

164. Women have the possibility of remaining absent from work after the elapse of the period established for postnatal leave, if this is due to illness caused by pregnancy and/or delivery - subject to medical certificate - that prevents the woman from resuming her normal duties.

165. There are two breaks of half-an-hour each during the day to feed the child. This entitlement lasts for a period of one year from the date of birth, except when there are medical reasons justifying a longer period.

166. Special leave: the Law defines as special leave the case of a working woman who voluntarily takes such leave to deal with two singularly important family situations: the birth of a child or the illness of a minor dependent child.

167. For women to make use of the entitlement to special leave, two requirements have to be satisfied: a current contract of employment and residence in the country. It can be claimed subsequently if the situation giving rise to the entitlement so requires, i.e. one year's service in employment.

168. The choice of the length of special leave is left to the woman worker, within a minimum of six months and a maximum of one year. The amount of the allowance will be 25 per cent of the normal and usual remuneration of the woman employee. It shall not be greater than the minimum living wage for each year of service or fraction greater than three months.

(c) The employer must provide maternity rest rooms and kindergartens. This provision will be the subject of regulations drawn up by the Government. There is a major lack of appropriate regulation in this area.

Need for new legislation

169. In practice, factual equality of working women has not been achieved.

170. Complete equality between men and women at work calls for new legislative and administrative measures which establish such equality beyond any doubt and which stipulate the corresponding sanctions. Amendment of the Law governing Contracts of Employment in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

171. Creation of agencies in the Ministry of Labour specifically concerned with guaranteeing non-discrimination against women in the employment sector and with receiving complaints on this matter and having powers to apply sanctions of an administrative nature or as a court of first instance.

172. Article 81 requires the identity of situations. The courts have interpreted this in a restrictive sense. Because of this, payment of additional wages to men over and above the established minima would not constitute a breach of the principle of equality.

173. A step forward is the case of the National Supreme Court of Justice in 1988 (Fernández v. Sanatorio Guemes re remuneration), where it was held that "it was unacceptable to maintain today, in terms of the evaluation of tasks and performance, that such was a matter entirely reserved for the authority of the employer without the employee being able to question its reasonableness".

174. Women continue to receive, on average, lower wages than men for equal tasks. Various studies have brought it to light that both in Greater Buenos Aires and in the interior of the country women workers are paid 30 to 50 per cent less than men.

175. The question of non-discrimination in access to employment should be expressly addressed:

- Need for regulations prohibiting discrimination in offers of employment: both in job descriptions and in the conditions for competitions or entrance examinations.

- Fix rules for positive discrimination by various incentives to employers to promote the hiring of women. Such positive discrimination will cease when the objectives of equal opportunities and treatment have been achieved.

176. The concept of sexual harassment should be introduced, with penalties for all forms of coercion, blackmail or abuse of women workers.

177. Change the current legal concept of protection of maternity which is based on the idea that family obligations are exclusively the province of women, by incorporating into the legal provisions governing employment the criteria established under ILO Convention 156 and ratified by Law 23.451 governing "Equality of opportunity and treatment for workers with family responsibilities". This law makes both parents equally responsible for family protection. New assignment of roles and responsibilities within the family, at the same time equalizing the costs of work of men and women (these criteria postdate the Convention on the Elimination of Discrimination). This implies reforms affecting all workers in connection with:

- Leave for childbirth and illness of the children as a matter of choice between the two parents.

- Regulation of the system of nurseries, kindergartens and maternity rooms, with equal right of use by all workers.

- Legislation on a comprehensive system for protection when the first child is born.

178. A comparative study of legislation shows that most countries protect women who are mothers. Changes in the law are needed to ensure the absolute security of women who are mothers, making dismissal on grounds of pregnancy null and void up to at least seven months following delivery, whether or not the child was born alive. A grant in respect of all wages due up to the date of the woman's return to work should be paid.

179. The requirement for official notification and registration of pregnancy in order to have a right to security should be deleted; the pregnancy could in effect be notified and registered within a reasonable time after dismissal in special cases where so justified.

180. In cases of dismissal, wages should be paid up to a year following childbirth, without prejudice to the compensation established for unfair dismissal.

181. Delete the tacit assumption in article 186 that a woman who does not return to work after the end the the mandatory period of leave has resigned.

Public sector

182. Women employees in the public sector are covered by the provisions of the "Basic Civil Service Regulations". These encompass all the legal rights and forms of protection relating to their status as women employees without distinction from men. Neither category participates in the collective agreements for establishing salaries or conditions of employment.

183. Decree 993/91, which establishes the national administrative profession system for staff in government service, proposes a new grading structure based on merit, training and objective systems for selection and productivity as a basis for the salary and promotion of civil servants.

184. In recognition of the lack of factual equality between men and women in the civil service, it establishes certain positive principles in relation to women. In article 5 it expressly states that "representatives of the civil service shall guarantee non-discrimination against women".

185. In Annex I, Title III, Chapter IV, article 35, it stipulates that within the Sphere of the Civil Service Secretariat, the Selection Committee for Executive Grades shall include at least one woman among the five members to be appointed.

186. The President of the Council on Public Policy for Women in Public Administration, or her alternate, may act as watchdog.

Administrative arrangements

187. There is a Department of Women's Affairs in the National Directorate for Employment of the Ministry of Labour and Social Security. It receives technical assistance from ILO and has set up sections for employment and professional training; research and statistics; labour relations; environment and work; and institutional relations.

188. In the trade unions, in both confederations and single unions, there are sections concerned with women's affairs: committees, departments or statutory secretariats, as required.

Other forms of women's work

189. These occur in the so-called informal sector of the economy. Its definition includes the term "vulnerability", since workers in that sector do not enjoy the same employment rights and are in general outside the legal protection which applies in the formal sector.

Domestic service

190. The persistence and increase in the high percentage of women working in this area is due to the employment crisis in the country which has itself resulted from the long period of economic stagnation. It therefore requires special consideration.

191. The Department of Women's Affairs in the Directorate for Employment (Ministry of Labour) is carrying out a survey of the sector and drawing up a proposal containing a new legislative and regulatory framework for the activities and social security regime of these workers. They have produced the following figures:

The 1980 population census registered 595,000 people in the sector (6.4 per cent of the economically active population (EPA)). Domestic service is mainly performed by women (95 per cent), representing 22 per cent of the total employment of women. According to estimates for 1990, the sector could employ 765,000 people by then, an increase of 28.6 per cent as compared with 1980.

Decree 326 of 1956 regulates this activity. The regulations exclude any person who works on an irregular basis: less than four hours per day or less than four days per week.

The forms of work have undergone major changes in the course of time. In 1947, 62 per cent of women had constant employment; in 1970 29.3 per cent and in 1980 20.9 per cent. This is a significant figure since the proportion of women working in domestic service on an hourly basis is increasing. Thus many contracts remain outside the scope of the law, a situation which is growing worse since, in addition, there is low rate of compliance with its provisions in the sectors subject to such labour relations.

The Domestic Service Tribunal has been part of the National Directorate for Employment since 1990.

During 1990, two draft laws regulating domestic service in the family home were submitted to the National Congress (one already has partial approval from the Senate), which if passed would repeal the Decree in force since 1956.

Illegal employment ("black labour")

192. Many women work in small enterprises where they receive very low wages. They do not qualify as staff of such enterprises, so they have no pension contributions or any other social benefit. This category usually includes work at home, which is generally piecework and is not counted in employment figures.

Informal work units

193. There are an increasing number of family groups and associations of women organized to produce, mainly, food or articles of prime necessity, clothes, toys, etc., who are obliged to work long days, earning barely enough for the most basic subsistence.

194. Many of these informal work units are to be found among groups or small family enterprises where the chief is generally the male head of the household and where the woman provides basic labour without the right to paid remuneration, pension contributions, holidays or any kind of social benefit.

195. These units arise as family strategies to earn additional income for the household economy. Generally they are maintained on the basis of self-exploitation by women. There are no precise statistics on the extent of these units, but they proliferate in all the poorest and most needy sectors.

Production micro-enterprises

196. Such enterprises are seen as a way of generating employment and family stability, especially for women displaced from the formal economy.

197. It is a concern of the Coordinating Council for Public Policy and all provincial departments dealing with women's affairs as well as the Directorate-General for Human and Women's Rights of the Ministry of Foreign Relations.

198. One of the main objectives of those who are encouraging these forms of production is to develop projects leading to job creation instead of those which envisage policies of subsidizing needy sectors. The aim is to raise low incomes, transfer economic power and change sexual roles all at the same time.

199. For this, what is needed is: (a) investment in production by governmental and non-governmental international organizations, (b) allocation of soft credits repayable on reasonable terms and in appropriate amounts, after survey of market needs and marketing outlets, (c) training, technical and production consultancy on costs, administration, management, staff distribution, level of production, marketing criteria etc., and (d) appropriate management structures and internal procedures.

200. Currently, through the Directorate-General for Human and Women's Rights, a priority task being addressed is the linkage between the demands of working class women and international organizations providing credits for the financing of production. It promotes the programme for compensating for the external debt using production projects for women. The nominal value of the programme is five million dollars. This is the joint responsibility of UNIFEM, the Ministry of the Interior and the Ministry of Foreign Relations and Ecclesiastical Affairs.

201. Next November there will be a national meeting on "The social and economic viability of production units managed by women", sponsored by ILO, UNDP and UNIFEM.

Proposals to be discussed for this sector

202. In the search for dignity and equality, the organized trade unions must take into consideration the situation in the informal sector. Their duty is to guarantee legal protection to all workers, men and women, whether or not union members.

203. To study proposals for organization and legalization of workers in the informal sector. In these demands women can play an important mobilizing role.

* Some strategies to legalize women workers in the informal sector:

1. To ensure visibility:

   (a) Organization into cooperative units and other associative forms in accordance with local practice and customs;

   (b) Publicizing their existence.

2. Make claims for better working conditions and wages.

3. In the case of women domestic workers, recognition of their trade unions, their incorporation as paid workers, with corresponding rights to benefits and assistance.

4. Involve women in development activities by training them in the following areas: accounting, management, distribution, marketing etc.

5. Organization of production enterprises with legal recognition, credit, training, gearing of production to market demand, etc.

The so-called "economically inactive" sector in census data

204. To this category belong in the main housewives responsible for domestic chores, an activity which continues to be the main source of women's work.

205. The culture of our societies based on a sexual division of labour by sex means that domestic activity is almost the exclusive task of women.

206. Daily, in Argentina, more than 8 million women over the age of 14 years work long days in their own homes: washing, cleaning, ironing, cooking, shopping, seeking the lowest prices, looking after the children and husband, helping them with their schoolwork or job, seeing that they meet their own obligations, looking after the sick and the elderly in the family, and so on. Every day of the week, including Saturdays and Sundays. These chores amount to some 10 hours a day on average. Nevertheless, they constitute free labour, to which no value is assigned. They are not included in the Gross Domestic Product (GDP).

207. This theme suggests at least two questions:

Can the domestic chores of women be replaced?

What monetary value would they represent for society as a whole?

208. In research work carried out in 1983, in collaboration with the Government and ILO, it was concluded that the economic contribution of domestic work is highly significant and essential and vital to the functioning of society.

209. The value of domestic activity amounts to between 28 per cent and 49 per cent of GDP. The estimate depends on the actors and the method utilized.

210. These figures make it possible to establish the relationship between domestic production and market production. In each case, it is necessary to establish differences as a function of demographic variables, standards of living and social class.

211. When the woman is part of the EAP through paid work, housework becomes secondary (although it has to be done). In reality there are women who work both inside and outside the home, i.e. they have a double working day.

212. A study made by ILO in Greater Buenos Aires analyses this double working day in relation to women workers. Based on the calculation that their work outside the home amounts to between 35 and 45 hours per week while the domestic chores take some 50 hours per week, the working day of any woman worker amounts to 13 hours without a break. Compared with a total of 90 hours a week for women, men work only 40.3 hours over the same period.

213. The foregoing permits the conclusion, without preconceptions, that if we add domestic chores to the work classified as active for women, plus the increasing amount of work done each day by women in the informal sector, the production activity of women in society, taken all round, is greater than that of men.

214. There is also unequal treatment of the female sex with regard to retirement: it is impossible for elderly women to retire when they are not registered in the formal sector.

215. In Argentina it is only certain provinces (Catamarca, Jujuy, Santiago del Estero, Misiones, Entre Ríos, San Luis) which have provided for retirement pensions for housewives in local legislation.

A Housewives' Union has been organized with more than 80,000 members in 30 branches throughout the country that provides medical services to its members. It is seeking legal recognition and has submitted a bill which envisages a wage for housewives, pension rights and their own social security.

Rights housewives should claim

216. Domestic production must be included among the indicators of national production.

217. Accounting for domestic activity is an economic and social necessity.

218. Housewives must be included in the economically active population.

219. Social security contributions must be fixed and old-age pensions secured for people working outside the home.

220. As a temporary solution and in the context of what might be considered positive discrimination, women must begin to enjoy the same pension rights as any other worker of the same age.

221. Study must be made of emergency funds as a first step towards the operation of their own pension fund.

222. In the longer term, another demand is the equitable distribution of domestic chores between men and women.

Article 12

[Health]

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

223. According to the 1980 and 1981 censuses, the female population of the country is slightly higher than the male. It is some 50.49 per cent.

224. The percentages of women, by age group, compared with men, show the increasing predominance of women with age.

225. It can therefore be seen that women throughout the country have a greater life expectancy: over the period 1980-1985 it was 73 years - seven years more than men. These figures might be due to women having greater ability to benefit from advances in health care and the fact that their behaviour is more geared to prevention than that of men.

226. These figures are not the same throughout the country. To point out extremes and highlight the differences possible in respect of women in different classes, it can be stated that in 1980 the greatest life expectancy at birth was in the Federal Capital, with 75.8 years for women and 65.5 years for men, while in Jujuy province, the figure was 66.5 and 61.5, respectively. The significant regional difference shown by these figures between life expectancy for men and women in different social environments should be noted. For women, the impact of a generally unfavourable quality of life results in a reduction of 9.3 years, while for men it is seven years. This mean that the socio-economic decline affects the sexes in different ways, and that women are harder hit by the increased burden of poverty.

227. These regional differences are indicators of distinct environmental, social and economic conditions which have a decisive impact on the health of the inhabitants. But if this is particularly significant in the case of the female sex, it is because women are "culturally conditioned by the prescriptions which society imposes on each sex and, in the last analysis, determined by an adverse structural situation" (INAP, March 1991).

228. As far as health is concerned, women represent a specific situation in terms of their reproductive function, evident in information concerning the age of fecundity. Moreover, both the sexual division of roles in society and the socio-cultural, labour and legal circumstances in which they act impact on their health and affect their access to the health system.

229. The link between health and reproductive state is shown by the fact that the so-called "complications in pregnancy, delivery and post-delivery" are the main cause of disease among women and are among the first five causes of death in women between the ages of 15 and 49 years of age (INDEC).

230. Maternal mortality rates have been falling in Argentina in recent decades (6.8 per 10,000 live births over the period 1980-1985), but are relatively higher among those under 15 years and over 30, which means greater risk for pregnant adolescents and older adults. The figures for dysfunctions occurring during pregnancy or within 42 days following delivery are, however, higher than normal in a country with a low fertility rate.

231. The most frequent causes of maternal mortality are abortions, haemorrhages (frequently connected with the latter) and toxaemias. The highest incidence of abortion (27.1 per 100,000 live births over the period 1980-1985), complications of adolescent pregnancy, deficiencies in care during pregnancy and delivery are key issues here. It is calculated that in 25 to 30 per cent of deliveries attended there had been no previous consultation. A study of the marginal urban areas of Greater Buenos Aires in 1985 showed little value attached by women in poor circumstances to prenatal checks.

232. Analysis of the trends in relation to the above topics on the basis of information from WHO also indicates different patterns of behaviour according to age group and class. There can be seen in the period 1970-1987 an increase in the rate of early maternity among women under the age of 20, giving figures of 12.3 per cent and 13.8 per cent, respectively.

233. Conversely, a decline in maternity among women over the age of 45 has been observed, from 1.2 per cent in 1970 to 0.3 per cent in 1987. With regard to adolescent maternity, the average of 13.8 per cent for the country as a whole is exceeded in the majority of the provinces. Only in two districts is it significantly lower (Federal Capital with 5.7 per cent and Tierra del Fuego with 8.6 per cent). Another two districts are close to the average, and the remainder are far above, e.g. Chaco 18.5 per cent, Chubut 18.9 per cent, Misiones 18.13 per cent, Neuquén 18.9 per cent and Río Negro 18.3 per cent.

234. These figures trigger an alarm signal: early maternity is a feature of socially and economically backward regions with deficient cultural conditions and usually occurs among deprived adolescents. It is usually the type of maternity which creates the greatest problems for the health of mothers and children. It is generally the result of old taboos regarding sexuality, lack of sex education in schools, lack of policies on birth control measures and ignorance of the high physical and mental risk to adolescent mothers, regardless of social background, although it affects the poorest sectors to a greater extent. In this respect, as the United Nations points out, early maternity means the beginning of a vicious circle of dependence and difficulty which ensnares the young woman for the rest of her life.

235. The rate of infant mortality fell from 44 per cent in 1976 to 32.8 per cent in 1980 and 24.5 per cent in 1988.

- During the first year of life, the main causes of death (disease or infections in the perinatal period, congenital anomalies, respiratory infections, intestinal diseases and septicaemias) affect boys and girls equally.

- From one to four years, the risks (accidents and acute pulmonary or intestinal pathologies) are associated with deficiencies in nutrition, which are a significant cause of disease and deaths. Thus official limited surveys in 1982 and 1983 show a considerable incidence of undernourished individuals, mainly of the first degree. But it should be noted that in this group there is a slightly higher mortality rate among girls due to nutritional deficiencies in the 1981 statistics.

This may be due to the persistence, in many parts of the country, of the ways of food distribution which, being based on cultural traditions, are in favour of men and are a disadvantage to women.

- From the age of five to 14, there are no differences in incidence of disease and mortality between the two sexes, but from adolescence onwards, with the onset of sexuality and the beginning of mortality, health problems begin to stand out, as indicated further back.

236. Then, the longer life of women, which leads to a higher proportion of them among the elderly, makes it possible to highlight the problem of chronic diseases, arterial hypertension, rheumatism and sensory loss.

237. Without age-differentiated data, the 1980 surveys show that most female illness takes the form of mental disturbances, especially syndromes such as "anxiety" and "tension".

Suggested remedial measures

238. An agreement has been signed between the Coordinating Council for Public Policies on Women and the Ministry of Health, relating to participation in the plan for protection of childhood and maternity being put into effect by that Ministry.

It is necessary throughout the country to encourage family planning centres, including: family education (marital problems, involuntary sterility, maternity, delivery, etc.); information on birth control; consultations on sexually transmitted diseases and AIDS.

* Need for participation by women's organizations in Government departments involved in policy decisions for the planning and implementation of sex and reproduction health campaigns, especially AIDS.

239. In this connection, the Coordinating Council for Public Policies on Women has designed two projects aimed at obtaining technical and financial assistance and basic equipment from international organizations.

1. "Child Woman - Child Mother" project

240. Objectives: to develop a national plan for the prevention and protection of early maternity. Study of alternative proposals for the protection of homeless adolescent mothers.

241. It envisages the following activities:

- Coordination with agencies which have been authorized to implement public policy on this problem.

- Programme of information and publicity on health and specific reproduction rights for this age group, using both formal and informal methods.

- Information campaigns whose main objective is to change society's negative perception of the problem and eliminate social prejudices.

- Meetings of national and provincial, public and private agencies competent in this field.

- Promote the creation of specific areas of information and care for adolescents in health-care institutions.

- Creation of a data bank on all material produced on the subject and the plans developed both at national and international level.

- Creation of specialized committees to study proposals for protection of homeless mothers below adult age (refuges, substitute homes or families, small homes, centres for material and moral support, etc.).

- Programmes of work training and income generation for such mothers.

2. "Mothers and AIDS" project

242. The complexity of this disease in relation to women in general, and particularly the reproductive aspects (perinatal transmission) makes it advisable to begin with preparatory stages by specialist teams and then elaborate proposals and materials for various types of public campaigns to inform the population as a whole.

243. To this end, it is proposed to create a Permanent Commission on Women and AIDS under the Coordinating Council.

244. Objectives: Women's organizations should study, publicize and intervene actively in the design of public policies aimed at preventing AIDS, with stress on the way this disease specifically affects women and the complex factors which go to forming their ideas, attitudes and behaviour in relation to sexuality, with a view to getting the messages across effectively.

Action required:

245. Creation of an advisory centre consisting of inter- and multidisciplinary teams to carry out the following activities:

- Training of personnel as "multipliers" to pass on educational and training activities.

- Advice to those with the disease, relations or people in charge of groups suffering from the disease. Installation of confidential and anonymous telephone consultation services.

- Training of social communicators to form and mobilize public opinion. Especially groups of young and adolescent women who create opinions among their own generation.

- Participate in health campaigns dealing with sex and reproduction, especially on AIDS, contributing material prepared by them.

- Preparation of agreements with educational authorities whereby the subject can be included in the teaching of children and adolescents.

- Setting up of networks throughout the country with the women's affairs departments and organizations concerned.

- Creation of a data bank to collect data and material in order to have constantly updated information on the subject.

Article 13

[Allowances, social and economic matters]

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

(a) Family allowances are intended to supplement the income of the head of the family when his responsibilities increase as a result of new or additional family burdens. The main allowances are intended for the children and the spouse.

246. In Argentina, the normal beneficiary is the man. The woman only receives the husband's allowance when he is an invalid. Children's allowances are generally paid to the husband, except when the wife expressly requests otherwise in the event of divorce.

(b) Women may obtain all forms of financial credit on the same terms as men, although generally speaking the titular head of family businesses is the man. Recently the country has been promoting credits for setting up production enterprises or small businesses organized by women through various associative mechanisms, including production cooperatives.

(c) There is no discrimination against women in respect of recreation, culture or sport. However, women generally have less free time than men due to the amount of work for which women are responsible, aggravated in the case of women who have jobs outside the home.

Article 14

[Rural women]

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

247. Fourteen per cent of the total population lives in rural areas. This represents a little over four and a half million people, of whom about half are women.

248. In the last 10 years, despite the general crisis, farming (agriculture and stockbreeding) has been one of the most dynamic sectors in the economy. However, its development shows a great disparity between the Pampas region and the other so-called "regional economies" which are generally in a precarious state due to the low prices fetched by their products. In the north-west and north-east, more than half of the farming activity is in the hands of poor peasant families. It is precisely in these zones that the greatest number of people are concentrated. The percentage of rural homes where basic needs are not satisfied has been averaging 60.4 per cent in the north west and 57.9 per cent in the north-east.

249. In this context, the role of women in the farming sector stands out. There are very few reliable data and a lack of systematic studies on the participation of rural women. However, it is still possible to describe the status of women within the context of rural development programmes.

250. The incorporation of women into the farming process occurs in smallholdings or on small ranches. Women are not widely employed on a wage-earning basis, either temporarily or permanently, in agro-industrial complexes, as happens in other Latin American countries.

251. In the smallholding, as a unit of production and consumption, women play a leading role and their responsibilities range from domestic work and care of the vegetable garden and farmhouse to work in the fields alongside their husbands or to seasonal work on a paid basis. Women often supplement the family income by handicrafts, small-scale trading, and so on. In recent years, however, as the men have migrated temporarily or permanently in search of work, the women have had to take on responsibility for maintaining the operation of the farm.

252. This "feminization" of agricultural labour has meant a doubling and tripling of the working day for women, with adverse effects on productivity and a deterioration in the state of health, nutrition and upbringing of small children and the family in general, on account of the poor quality of life and the exhaustion of natural resources.

253. Despite the central role of women in the survival strategies of peasant families, the economic part they play is not recognized. Nor do they receive the corresponding social benefits and their work has not been recorded up to now in the statistics and censuses.

254. The main problems of women are: a high level of socio-cultural and economic marginalization; tendency to migrate to urban centres in search of work; jobs that are not paid and not valued by society and only limited participation in community groups and organizations. Illiteracy rates for women in rural areas were as high as 15 per cent. The lack of health, family planning and sex education centres means that a much higher number of rural women are mothers, as compared with urban areas (43 per cent against 19 per cent). The same trend appears in relation to adolescent and single mothers among young women.

255. Until recently, rural women were not specifically considered in policies, plans and programmes for the promotion of rural development.

New measures for integrating rural women into production

256. The National Under-secretariat for Agriculture, Livestock and Fisheries, through its Department for Rural Development, began in 1987 to implement an alternative development strategy for rural women in the north of the country, in conjunction with governmental organizations (Secretariat for Provincial Agriculture, National Institute for Farming Technology, Universities), and non-governmental organizations and small producers. It was financed by the United Nations Development Fund for Women (UNIFEM).

257. A section specializing in rural women has now been included in the Rural Development Team. As far as possible in the economic circumstances, it participates in the design of policies in conjunction with other Government departments (Ministry of Health and Social Security and Ministry of Foreign Relations and Ecclesiastical Affairs).

258. The methodology for work with rural women has three lines of action:

- Promotion of participation by women in all services and benefits provided by the programmes (credit, access to land, technology, marketing, etc.)

- Promotion of the organization of women around those specific activities which contribute to reassessing their production role, with due consideration of their domestic responsibilities. Actions linked to women as rural producers as well as activities reflecting women's needs (health, education, housing etc.).

- Training of groups of women themselves, and the technical and institutional personnel concerned with the problems of this sector, based on participation, with a dual focus: as women and as peasant farmers.

The following programmes are in progress:

- Inter-institutional network for the support of women farmers in North Argentina.

- Project for the promotion of participation by women farmers in Cachí, Salta Province (pilot project).

- Project to incorporate women farmers into the programme of credit and technical support for small-scale farm producers in north-east Argentina.

260. The National Institute for Agriculture and Stockbreeding Technology (INTA) has in recent years developed a unit for plans and projects for research and further training for small-scale farmers, in support of peasant families. Twenty-three specific projects have been implemented throughout the country, many of them in cooperatives. In some of them, such as those in Santiago del Estero, San Juan and Mendoza, specific activities for women farmers are in progress.

261. In September 1991, there was signed an Agreement between the Directorate-General for Human and Women's Rights of the Ministry of Foreign Relations and Ecclesiastical Affairs and the Directorate-General for Development of Frontier Surveillance of the Ministry of Defence, under which these departments would be charged with developing operational plans and coordinating their implementation in order to cooperate along the following lines:

- To encourage the establishment of a stable network of governmental and non-governmental institutions to support the development of specific activities for the benefit of women in frontier zones.

- To promote the identification and search for alternative solutions to the problem of women in frontier zones.

- To coordinate and support the search for resources from internal and international sources for the execution of production projects with women in frontier zones. It should be pointed out that it was agreed that the projects evaluated would envisage the improvement of housing and food; the spread of the cooperative system; integration of women's activity into Mercosur and the introduction of new technologies.

Article 15

[Equality before the law)]

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and freedom to choose their residence and domicile.

1. The National Constitution adopted in 1853 establishes the equality of all inhabitants of the country.

2. Laws 11.353 of 1926 and 17.711 of 1968 legislated on the civil rights and the full legal capacity of women.

262. The Bogotá Inter-American Convention, signed in 1948, was ratified in 1957, enshrining the principle of legal equality between men and women.

263. Law 23.264 of 1985, governing the regime of parental authority, supersedes the restrictions on the exercise of parental authority by women, and provides that women have equal standing with their husbands in taking decisions of importance for the lives of under age children, in the administration of property, negotiation of contracts, etc.

264. Law 23.515 of 1987 abolishes the restrictions on women which previously existed with regard to the joint choice of the conjugal home. The use of the husband's name by the wife becomes optional.

265. There is equal treatment in all administrative and judicial proceedings both at national and provincial level.

3. As equality of rights is a provision of public law, no private instrument or contract may restrict or revoke it.

4. Women have equal rights with men in all areas: freedom of movement, choice of domicile, choice of vocation, administration of property, conclusion of contracts, etc.

Remarks

266. Need for express recognition by a statute in the National Constitution of equality of rights of men and women.

267. Recognition through appropriate legislation of the principle of conjugal partnership in the management of the home with equality of rights, duties and opportunities for both spouses.

268. Modification of the regime for the administration of property whose provenance is uncertain in the conjugal partnership (which is at present granted to the husband) making it a joint capacity of both spouses.

Article 16

[Matrimonial and family rights]

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

269. Since 1985, the year in which the Convention was approved, various forms of legislation have been passed in Argentina, marking a fundamental milestone in family law: Law 23.264 of 1985, which reforms the regime of parental authority and filiation, and Law 23.515 of 1987 on Civil Marriage, which reforms the family regime and introduces divorce absolute.

1. (a) Since the first Law on Civil Marriage, No. 2393, equality between men and women with respect to the right to contract marriage has been recognized. It is based on the principle of legal equality enshrined in the National Constitution which establishes equality for all inhabitants of the country.

(b) Law 23.515 provides in article 172 that "The full and free consent expressed in person by the man and woman before the competent authority is essential to the celebration of marriage".

(c) The new law recognizes the equality of rights of both spouses during the marriage and after its dissolution.

270. It changes the capacity that the husband previously enjoyed to determine the conjugal domicile. In article 200 it is stipulated that: "The spouses shall, by common consent, determine the place of residence of the family".

271. The addition of the husband's family name to that of the spouse becomes optional instead of obligatory.

272. The acceptance of divorce absolute reflected a long-standing demand in society for a solution to the widespread irregularities in family law, resulting from the impossibility of obtaining a divorce.

273. The discussion and submission of bills goes back to the last century. Only once, for a very short period, was this right recognized in article 31 of Law 14.394/54, but was suspended by the Government of the day in 1956.

274. The new law maintains the system known as "divorce sanction", based on the judgement of certain expressly established forms of conduct, as well as personal separation without dissolution of the marriage bond. But it also includes divorce by consent, which is closer to more modern legislation on the principle of "divorce as a remedy".

275. Following the dissolution of the marriage, the man and the woman retain the same rights and responsibilities with regard to maintenance, inheritance and parental authority.

276. The concept of guilt is banished in the granting of custody. In the case of under age children, the mother is favoured, except in serious cases. The custody of children over this age, in the absence of agreement, will be decided by the judge on the basis of the suitability of the parents and the interest of the child in determining custody.

277. The family home will be granted to the spouse who keeps the children.

Right to alimony

278. There is an important advance over previous legislation. Although the concept of guilt is not completely eliminated, the difference between one case and another is much decreased.

279. The right of the spouse declared to be innocent to be maintained by the guilty party at the standard of living existing prior to the divorce is recognized.

280. When considering the resources of both spouses for determining alimony, the judge shall take account of:

- The age and state of health of the spouses;

- The devotion to the care and education of the children of the custodial parent;

- The capacity to work and probability of employment of the maintained spouse, the patrimony and needs of each of the spouses after the dissolution of the marriage.

281. In all cases, whether or not there is a declaration of guilt, if one of the spouses does not have enough resources of his or her own, or reasonable expectations of obtaining them, that spouse will have the right whereby the other one, if he or she has means, provides him or her with means of subsistence. In order to determine the amount and the need, the procedure as in the previous case will be followed.

282. This legal provision is of major significance, since it makes it possible to redress unjust situations which often occur in divorces by mutual consent. This type of divorce is the most common in Argentina and does not bear the effects of guilt. That is why the reform allows an extension of the regime of the right to alimony when the procedures required by the law are duly followed. In practice, it benefits many women who otherwise would remain in a state of genuine need.

Need for new legislation and regulations

283. There is a need to include regulations which expressly enshrine the principle of conjugal sharing by which both parties have equal rights, duties and opportunities during the marriage. The incorporation of this principle into the Civil Code will permit more effective control over the direct and indirect forms of discrimination against women.

284. There is a need for a new law governing the right to alimony which also guarantees compliance with it. This is a right emerging from family relations. However, in many cases there are difficulties in guaranteeing it. In 90 per cent of divorces, the woman retains care of the children. The lack of alimony can become a real penalty and hardship for the separated mother.

285. In addition to a new basic law on this subject, on the specific matter indicated, the provincial codes of procedure should be amended so that claims for failure to pay alimony could be resolved quickly and effectively.

286. The National Congress has partly approved a preliminary bill proposing an amendment to article 179 of the Criminal Code and making the penalty for failure to pay alimony three to six years in prison, as one of the principal measures aimed at preventing fraudulent evasion of payment of this benefit through concealment or removal of assets.

* It is essential for explicit laws to be passed to eliminate family violence against women.

287. There are various preliminary bills intended to provide appropriate solutions to this problem. One of them proposes the creation of a Federal Institute for the Treatment and Prevention of Domestic Violence. This is a decentralized agency with headquarters in the Federal Capital, whose main functions are prevention, planning and treatment in respect of domestic violence. It is proposed to create centres for care and prevention of domestic violence in towns with more than 10,000 inhabitants.

288. Another preliminary bill concerns the promotion of prevention and assistance programmes in cases of family violence. A third bill proposes the creation of temporary refuges and assistance, protection, defence and promotion for women.

289. In the provinces at present, many Councils for Women's Affairs have as one of their main activities programmes aimed at preventing and responding to physically and mentally maltreated women.

(d) Law 23.264 of 1985 reforms the regime of parental authority and filiation established in the Civil Code. It responds to widespread demands by women excluded from the exercise of parental authority in respect of their under age children.

290. Prior to the reform, while both parents were entitled to parental authority over their under age children, the exercise of that right fell to the father. Except where such exercise was lost through judicial sentence, death or incapacity of the father, when it fell to the mother.

291. The main objective of the new legislation, as established by the Convention, is the interests of the children.

292. The most significant of the amendments introduced are the following:

The exercise of parental authority in the case of children within marriage belongs jointly to the father and the mother, provided they are not separated or divorced or their marriage has not been annulled.

It resolves the unequal status of women excluded from decision-making on important acts in the life of her children, and the possibility of participating in the administration of property, concluding contracts, etc.

The principle is established of collaboration between the spouses in relation to those acts of great importance for the life of their children, through an exchange of opinion and agreement between them.

293. Express consent by both parents is required in the following cases:

(1) When consenting to the marriage of a child.

(2) In educating the child.

(3) When permitting the child to enter religious communities, armed forces or security services.

(4) When permitting the child to leave the country.

(5) When releasing him from parental authority.

(6) When disposing of the immovable property, rights and registrable movables of the children over which they exercise control, with judicial authorization.

(7) When exercising acts of administration of property of the children, except when one parent delegates the administration to the other.

294. For acts in daily life and those relating to the education and health of the children, the law provides that the act realized by one of the parents is presumed to have the consent of the other.

295. If the acts of one of the parents are harmful to the child or if there is no agreement on one of the acts deemed to be important, the Court must intervene to decide what is most appropriate for the interests of the child, during a short proceeding where the minor may be heard.

296. In the case of de facto separation or divorce or nullity of marriage, exercise of parental authority falls to the father or mother having legal custody, without prejudice to the right of the other to have adequate access to the child and supervise its education.

297. The express consent of both parents is also required in relation to the above seven cases.

298. The law stipulates equality between children born within wedlock and those outside it. It recognizes a social reality determined by the large number of de facto unions, the result, mainly, of the lack of divorce absolute in Argentine law.

299. All the principles established for the exercise of parental authority apply strictly, in each case and as appropriate, to children born outside wedlock.

300. The guidelines on filiation also recognize the principle of reponsible fatherhood and the principle of biological fact.

301. These guidelines particularly benefit unmarried mothers in deprived sectors. When a minor is registered as of unknown father, the Civil Register must inform the Office for the Protection of Minors (Ministerio Público de Menores). This must locate the father in order to try to obtain recognition of the child. Failing that, it may instigate the corresponding legal proceedings with regard to filiation, when such is the express wish of the mother.

302. Cohabitation by unmarried couples during the period of conception will be considered as substantial evidence in determining paternity.

303. Biological tests are also used which allow certainty of more than 90 per cent. Their success was proved when they were used to determine the filiation of children born in captivity or prison during the former military dictatorship.

(e) The same rights exist for men and women, although the lack of a comprehensive family planning system means that sectors with a low cultural level do not have sufficient guidance and advice to enable them to choose freely the number of children and the interval between births. Obstacles: voluntary termination of pregnancy is punished under the law.

(f) Women have the same rights as men in regard to guardianship, care, custody and adoption of children.

(g) Spouses have the same personal rights as husband and wife with regard to occupation and profession.

(h) Law 17.177 determines special requirements for the disposal of family property.

304. The legal regime adopted for the administration and disposal of property making up the marital partnership is one of separation with sharing of the jointly owned marital property, thus reconciling the equality and independence of the spouses, with each of the spouses having a share, in the event of dissolution, of the property of the other acquired since marriage and resulting from their work.

305. The marital partnership consists of <u>original property</u> which is acquired before marriage or subsequently by inheritance, gift or legacy and <u>acquired property</u> which is the property that each or both of the spouses acquire during the marriage under any title other than inheritance, gift or legacy.

306. The marital partnership comes into action from the moment of the marriage and cannot be stipulated to begin earlier or later.

307. The administration of property lies with each of the spouses, independently of the other, as far as original property and acquired property are concerned.

308. The same principle applies in the disposal or realization of such property. The title to the property becomes of fundamental importance and must be made clear on the occasion of its acquisition.

309. This principle recognizes one exception in favour of the nuclear family, when it requires the consent of both spouses to dispose of or encumber property acquired through marriage. This is the case of immovables, rights or movable property that must be registered, transfer of title to or use of such property by companies and the transformation and merger of companies.

310. This protection is even extended to the immovable property of one of the spouses if it is the conjugal home and there are minor or disabled children.

Remarks

311. Article 1276 means inequality in respect of women's rights in that the man is granted the administration of property of uncertain origin. This should be reformed and the right given to both spouses.

2. Argentine legislation does not recognize future marriage. There can be no legal action to enforce a promise of marriage.

312. The law fixes the minimum age for contracting marriage: 16 years for women and 18 years for men. Dispensation may be granted only if the interests of the under age persons require it, and if there has been a hearing in the presence of the judge, the intending spouses and the parents or legal representatives of the under age person (articles 166 and 167 of law 23.515).

313. Marriage shall be celebrated before the Civil Registrar in the domicile of either of the spouses. It shall be inscribed in the Marriage Register.

314. The marriage is proven by the marriage certificate, signature of witnesses, copy or family booklet, issued by the Civil Registrar.